

TITLE 1. ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

Emergency Regulation

Title of Regulation: 1VAC30-105. Regulations Banning Concealed Firearms in Offices Owned or Occupied by Executive Branch Agencies (adding 1VAC30-105-10 through 1VAC30-105-80).

Statutory Authority: § 2.2-1102 of the Code of Virginia.

Effective Dates: December 3, 2015, through June 3, 2017.

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Preamble:

This regulation implements Executive Order 50 (McAuliffe 2015), which bans firearms in executive branch agency offices. This regulation prohibits concealed firearms in offices and workplace facilities under the ownership, lease, or control of an executive branch agency, and includes a requirement for posting signs to this effect. The executive order (EO) directs the Department of General Services to propose regulations within 30 days of the EO.

As stated in the EO, it is the Governor's desire to protect citizens and state employees from gun violence. The purpose of this regulation is to ban concealed firearms from offices owned, leased, or controlled by executive branch agencies. While state employees are already prohibited from carrying firearms through state personnel directives, this regulation will extend that prohibition to members of the public and other nonemployee individuals who may enter the premises.

As stated in the EO, the Governor has determined there is a need to take every precaution to protect citizens and state employees from gun violence. Every day, over 60,000 Virginians report to work in state government buildings across the Commonwealth to provide services to their fellow Virginians. Citizens rely on open access to these facilities to allow citizens to access government representatives and address personal and professional needs. Allowing the carrying of firearms exposes state employees and citizens to unnecessary risk.

CHAPTER 105

REGULATIONS BANNING CONCEALED FIREARMS IN OFFICES OWNED OR OCCUPIED BY EXECUTIVE BRANCH AGENCIES

1VAC30-105-10. Purpose.

The purpose of these regulations is to ban the carrying of concealed firearms in offices occupied by executive branch agencies, with certain exceptions as set forth herein.

1VAC30-105-20. Applicability.

A. This chapter applies to all buildings and workplace facilities owned, leased, or controlled in whole or in part, by or for an executive branch agency. These regulations

are intended to be consistent with the Virginia Department of Human Resource Management Policy 1.80 – Workplace Violence, which prohibits state employees from possessing, brandishing, or using a weapon that is not required by the employee's position while on state premises or engaged in state business.

B. This chapter applies to the concealed carrying of firearms; the Department of General Services has issued a guidance document elsewhere prohibiting the open carrying of firearms.

C. The prohibition against carrying a concealed firearm does not apply to law-enforcement officers, authorized security personnel, or military personnel, when such individuals are authorized to carry a firearm in accordance with their duties, and when they are carrying the firearm within that authority. It also does not apply to state employees where the employee's position requires carrying a concealed firearm.

D. These regulations do not apply to individuals who are on public hunting lands, are engaged in lawful hunting, and are in compliance with the Department of Game and Inland Fisheries' Hunting and Trapping regulations found in 4VAC15, regarding allowable firearms and hunting license requirements.

1VAC30-105-30. Definitions.

"Authorized security personnel" means a natural person who performs the functions of observation, detection, reporting, or notification of appropriate authorities or designated agents regarding persons or property on the premises he or she is contracted to protect.

"Concealed firearm" means a firearm hidden from common observation, including a firearm hidden when it is observable but is of such deceptive appearance as to disguise the firearm's true nature.

"Executive branch agency" means any administrative unit of state government in the executive branch, including any department, institution, commission, board, council, authority or other body, however designated.

"Firearm" means any handgun, pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material.

"Law-enforcement officer" shall have the same definition as in § 18.2-307.1 of the Code of Virginia.

"State office" means any building or workplace facility owned, leased, or controlled by or for an executive branch agency, including buildings that support the workplace facility. This includes that portion of premises open to others and then used exclusively for functions or activities sponsored by an executive branch agency's tenant(s) while such functions are taking place.

1VAC30-105-40. Possession of firearms prohibited.

Possession or carrying of any concealed firearm by any person is prohibited in and on state offices. Entry upon a state office in violation of this prohibition is expressly forbidden. This prohibition does not apply to law-enforcement officers, authorized security personnel, or military personnel, when such individuals are authorized to carry a firearm in accordance with their duties, and when they are carrying the firearm within that authority. It also does not apply to state employees where the employee's position requires carrying a concealed firearm.

1VAC30-105-50. Required lease terms for state offices.

All leases entered into where an executive branch agency is the lessor shall contain a prohibition on concealed firearms so as to be binding upon all tenants. All leases entered into for the benefit of an executive branch agency shall contain this prohibition to indicate the lessor's acknowledgment. Exceptions may be allowed where approved in writing by the Governor or his designee.

1VAC30-105-60. Posting of signs.

A. Posting location. Signs shall be posted at all state offices indicating the prohibition against carrying concealed firearms. Where the entire premises are owned or occupied by an executive branch agency, signs shall be displayed at every entrance. Where only a portion of the premises are leased for an executive branch agency, the signs shall be displayed within the state office. If an executive branch agency is using an office open to others, temporary signs shall be displayed at or near the entry to the office during the time the office is being used exclusively for Commonwealth-sponsored functions or activities while such functions are taking place.

B. Size and design. Signs shall be of a size and design approved by the Department of General Services. The occupying agency shall be responsible for obtaining signage from the department and for posting of the signs.

1VAC30-105-70. Enforcement.

The occupying agency shall be responsible for enforcing this regulation.

1VAC30-105-80. Exemptions.

A. A state institution of higher education is exempt from this regulation if the institution has implemented its own policies or regulations governing firearms.

B. The Governor or his designee may otherwise grant exemptions from the requirements of this chapter. To qualify for an exemption, the applying executive branch agency must show that an alternative policy, consistent with the Commonwealth's policy against firearms in state offices, is appropriate.